J. F. 26 of 95

G. R. S. IX-5]

Previous references.

1894-95

File No. 530 of 94.

191 .

(Courts.)

Serial Nos. 1-21.

Later references.

Imp 46-40-1-4.

(Incomplete)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—21

Major ~~Part~~ B for November 1897.

SUBJECT.

Disposal of the property of late Sultanamma of Bangalore who died intestate ~~on the 28th October 1895~~.

Indexed

Com Annual Vol

W D 88—GPB—50,000—24-7-16

(6)

Idle.

One Sultanamma a convert to Mohamedanism died, on the 6th Novr 1893, leaving property 'moveable & 'immoveable' of the value of Rs 5000/. The Police of the town of Bangalore acting under the provisions of Sec. 25 of Act V of 1861 took charge of the property and made a report to the Magistrate who under Sec. 26 of the said Act issued a proclamation inviting claimants. No claim-ants having however turned up within 6 months of the date of proclamation the property (moveable) became subject to be held, at the disposal of Govt. under Sec. 27 of the Police Act.

The Bangalore Dy Comr in his letter No 1106 of 15th March 1895 suggested that the property left by the deceased Sultanamma may be sold and the sale-proceeds deposited in the Govt treasury as if it were a

charitable

Charitable Endowment
and the interest payable on
it. applied for the encouragement of Vimsalman Education.

On the above representation the Govt declined to create a trust of the kind proposed and stated that if the money had already escheated under the rules it should simply be credited to Govt.

The Dr Commr now reports, that the property is still held in deposit, that 2 individuals Imastan Saib & Beeran Saib have obtained heirship certificate from the Dr Court of Jaffna Dr, that they have applied to be put in possession of the property and request therefore instructions in the matter under the circumstances represented.

'Property' in the Police Act V of 1861 is defined as including any 'moveable property, money or valuable security;' and

and the property left by Sultanamma comprises both 'moveable' & 'immoveable property'.

The immoveable portion of the property cannot therefore, it is submitted, be affected by the procedure contemplated in Secs. 25, 26 & 27 of the Police Act.

Under the circumstances no confiscation could be said to have taken place with regard to the 'immoveable property' of the deceased.

A certificate of ~~title~~ Title obtained from a Dt. Court of competent jurisdiction under sec. 3 of Act No XXVII of 1860 is conclusive proof of the grantee title to the property as contemplated by sec. 4 of the same Act.

The circumstances of the case seem to be in favour of the claimants who have obtained heirship certificate.

Subs. P.S. 6/4/26.

No 3552

Subd to Secretary

Act XXVII of 1860 has no application in the case. The certificate empowers the grantee to recover debts due to the deceased's estate. It has no validity as against Govt who are in possession of the estate itself as heir in the last resort. An heirship certificate under the Act is only a temporary device of the Law to provide security to debtors of a deceased owner. The circumstances of the present case show that the claimant's heirship is open to considerable doubt. The District Magistrate may be requested to make a careful enquiry and ~~to satisfy~~ as to the alleged relationships of the claimants & two Co-wife's sons on whose behalf they claim & report the results to Govt.

8/4/96

The certificate seems to have been granted on the allegation of a Rajputana custom which ~~to find out~~ the exact relationship of persons to the deceased, whether the contracts recited were bona fide. Also call for records from the District Court.

9-4-96

Subd to Secretary
In the records
Note 20
11/6/96

Under s 27 Act V/61 there is no Escheat in this legal sense. The sale proceeds of properties left & died and held at the disposal of Govt. Unless there is proof of the entire failure of heirs of the deceased subordinate the Govt cannot plead a complete Escheat. The heir certificate granted does not seem to show the Govt's title to the property, but merely as the proceeds will be held subject to claims may be asked the proceeds

(9)

The record received from the Resident Judge shows that the following persons presented petitions to the D.J. judge for a certificate to collect the debts of the deceased Sultan-amma who lived in ~~Gan-~~ Bangalore —

1 Sheik Dawood
2 Yaseen Sab & } Petitioners
3 Sheik Mastan

4 Beram
5 Ahmed Sab & } Counter Petitioners.
6 Sabjee Sab

The exact relation of each party to the deceased cannot be ascertained from

from the Record, as
no evidence is taken
and recorded by the
Judge in respect
of the same; but
each of the Petrs
says that he stood
in relation to her
in the following
manner & that
is recorded by the
Judge:-

1st & 2nd Petrs as
stepsons of Sultan Bee.

3rd ~~Petr~~ Petr as
the husband of
~~of~~ the Step-daughter
of Sultan Bee.

4th, as the foster
son of the Sultan bee.

5th & 6th as trustees
of the 'masjid to
which the house in
which the deceased
Sultanamma
was living was
given in gift by her

under exhibit no 2 which is duly registered.

In the case of the case named, the Dt Judge ordered that they could neither claim the treasure found in the deceased's house nor ask for a certificate to collect debts merely because that the house in which the deceased lived, formed the property of the Masjid of which they were the trustees. And in the case of the 1st three petns & Counter Petns, Berwan Lal, ~~was~~ ~~filed~~ & Razzaq ~~xxxxxx~~ it was ordered, that in accordance with the filed by them a Razzaq F. a certificate ~~would~~ ~~should~~ be granted

to Sheikdaw Sheik Mastan & to Beeram Sab, authorizing them to collect on their own behalf and on behalf of the 2nd & 3rd Petrs the debts due to the Estate of Sultan Bee and said amount to five thousand Rs, on their furnishing security for 5000 rupees.

In the Rajnama it is agreed by the 1st 3 Petrs & the Counter Petrs Beeram Sab, that ~~of~~ they shall have Legal Rights & that the house given to the married by the Sultanama under shall be left in ~~and~~ for perpetuity of the Masjid, that the certificate shall be in the names of Sheikdaw Sheik Mastan & Beeram Sab.

This is very Simple - Circus as the parties 2 & 3 Resp. Sons include the other 2 under the name of Exhibit No 2 Lease

Submitted
MA 8/6.

2 & 3
11/6

Enclosed herewith.

The sale of 1 document belonging to the late Sultan amma has been confirmed by the Dy Comr. With regard to the others, the Dy Comr does not state what he intends to do with them. As holder, for the time being, of these bonds, and as trustee (~~of~~ constructively) for any one hereafter adjudged really entitled to the effects in question, I think the Dy Comr is both bound & entitled to pronounce upon them. [May we ask him to report how he means to take action upon them] or simply give this letter?

16/11/96

× Yes. Enquire A.

16-11-96

16/11

Drafted
SK
17/11

in order passed
in this case seems
defective.

The deputy Com
asks for instructions on
two points:—

(I) whether any
legal action should be
taken for the recovery
of sums due on account
of bonds Nos 2 to 5 &

II whether the
offer of the encumbrances of
bond Nos may be
accepted

The Secy reports
that enquiries shd

x+
Office
Yes. Please see
order accordingly
re confirmation
of the order of
1-6-974
5/7/97
es

Draft. Order by 5/7/97 Draft put up 5/7

he made by the Plaintiff to ascer-
-tain the truth whether
any of the allegations
as Payments said
to have been made and
the result reported to Court.

By the time the
report is rec'd the claim
on bond N° 2 may
become barred - They
(and may be told
that if he is satisfied
that the payments alleged
are true no steps
need be taken towards
the recovery of the bond N° 2
If he is not satisfied

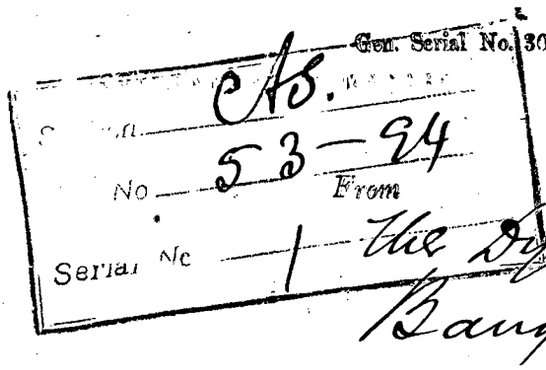
he must take the
necessary steps for the
recovery of the amt due
before the 19 of July/99

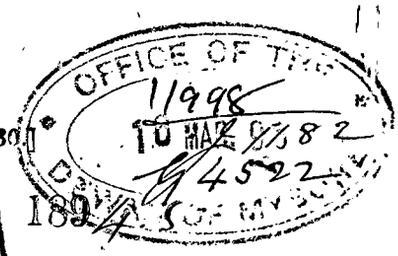
As regards Work —
if the part keept in
hand, the time
asked for, & how the
bales of materials
may be given of the
orders that
the letter has no
means of knowing what
the balance of our —
This is a matter, in
which of course may not
his own discretion and

pap sent aden a
h... thanks pap. sent and
q Lentby - the Sat

In instructions — The remarks q Precedents q No 3 shd be contained
Plan draft in case of an appeal and
an aden in abstr steps taken thereon the.
d sent in cantr q and Dec thereunder
Ltr ahead sent ATT

ATT
3/7/97





To the Pt Councillor
Incp
18/3

Engrave when the woman dies only the matter was kept along and to quote the for authority under which the prop[erty] of the deceased was declared to escheat to Govt

Draft subd
19/3

From

The Dy Commissioner
Bangalore District

To

The Chief Secretary to the Govt
~~Dewan~~ of Mysore.

Dated 15th Mar 1895.

Despatched

Received

Enclosures No. nil

General No.

D No. 1106

~~In reply to~~

SUBJECT.

Reporting the death of one Sultanamma of Bangalore and suggesting to utilize the money left by her towards the encouragement of Mussulman education.

References—(to be entered only in the Dewan's Office).

G. 16-3-95.

Transferred to Genl Secy
16/3/95

In my query
matter
no reply [illegible]

D No 1106

Deputy Commissioner's Office,

Bangalore, 15th March 1895.

(1)

To,

The Chief Secretary to the
Govt. of Mysore,
Bangalore.

Sir,

I have the honor to report that the estate of the late Sultanamma of Bangalore who died intestate and without heirs of any kind, consisting of Rs. 3293-12-2 in cash, Rupees 1,712/- in bonds, moveables worth Rs. 128-7-11 and six houses paying a monthly rent of Rs. 6-8-0 has been declared an escheat to Government. Sultanamma was a convert to Islam. In the present backward, condition of her co-religionists in Bangalore

X When ord 6 Nov/93

(X) when such auth all

I do not think that her money can be put to a better use than towards encouraging Education of a high order among the Mussalmans: nor do I believe that the Government will deny Sultanamma's property to the above purpose. I beg therefore to suggest that the cash and the realizations of the other property may, instead of being credited to Government, be deposited in the Government Treasury as if it were a private charitable endowment and the interest payable on it under the rules applicable to such endowments, may be applied at the discretion of the

Education Secretary for the encouragement of Mussalman education.

I have the honor to be,
Sir,
Your most Obedient Servant,

A. Sanderson
for Director

No: 15362 / 1934 Dt 19-3-95

To, The Deputy Commr.
Bangalore Distt.

Section Courts (2)
File No 5-3-94
Serial No 9 Dated

March 1895.

His letter No. 1106 of 15th Inst.
reporting the death of one
Sultanamma and suggesting
that the money left by her
be utilized for the Education
of Muhammadans

With reference to the
above, has the honor to
enquire ~~as to~~ when ~~the~~
Sultanamma
~~woman~~ died & why the
misapprehension of the nom
matter was kept ~~so long~~.
The order
~~Inspection~~ is also requested
~~as~~ to quote
the authority under
which the property of
the deceased was declared
to have
~~Escheat~~ to Govt.

B. O.

WM 19.3.95

19/3

Revl Secretary

As
53-94
3

If the money
Escheats to Col
it would be
only credited
to Col money. The
Col cannot create
a trust of the
kind proposed.
[illegible]

18/4

DA - when [illegible]
send the [illegible]
18/4 [illegible] [illegible]

Section A5 Gen. Serial No. 30.]

File No 5394

Serial No 3 From

1894-95 13089

6 AUG 95

12515

OFFICE OF THE DEWAN OF MYSORE

Sir,

The prop[r]y of the deceased was taken charge of under the Police Rules as unclaimed property. No one claiming it within 6 mos. fr. date of issue of proclamation, it became subject to disposal by the Govt. How the Govt would use the money depends on its wishes. The Dept. Comr recommendation is partial, viewing to utilize the money for the Edn. of Moslems. All property left by Hindus under similar circumcs has to be spent for the amelioration of the condition, by no means better, of Hindus only.

R 9/4

To The Hr. Councillor.

13/4 Hm

The Dy Commissioner, Bangalore District.

To General

The ~~Chief~~ Secretary to the Govt

~~Dewan~~ of Mysore.

(3)

Dated 4th } April 1895.

Despatched 5th }

Received

Enclosures No.

General No.

D No. 1187.

In reply to Genl Secys dy 15362. dated 14th Ulto. SUBJECT. J. 934.

Submits particulars regarding the property of the deceased Sullamamma.

J 9/4

read: 6/4/95 [illegible]

References (to be entered only in the Dewan's Office.) Submitted with reference.

D. No. 1187. Deputy Commissioner's Office
Bangalore 2d
Dated 4 April 1895

To

(3)

The General Secretary
to the Govt. of Mysore

Sir,

With reference to your
No. 15362 dated 19th ultimo,
J. 934
calling for certain particulars regarding the
property of the deceased
Sallāmamma, I have the
honor to report that
Sultanamma died on
6th November 1893. She
left behind her no heirs
and under the rules which
govern the disposal of
unclaimed property, the
property of the deceased

was immediately taken charge of by the Taluk Amildar after necessary preliminary enquiries, a proclamation was issued and the matter had to be kept undisposed of until after the expiry of 6 months from the date of the notice.-

2. As regards the enquiry as to the Law under which the property escheated to Government, I beg to invite your attention to Sec. XXVII of the Police Act (Act V of 1861) wherein it is provided that if after one proclamation no claimants come forward establishing their right, the property may be sold by the District Magistrate and "the proceeds

shall be at the disposal of Government." In the case under reference, there were no claimants and orders have therefore been issued to the Amildar to conduct the sale and hold the proceeds in deposit pending the orders of Government in the matter.

I have the honour to be,
Sir,
Your most obedt servant,

A. Sanjivayya
for Deputy Commissioner

N. to,

The Police Act v of 1861
under wh: the police are said
to have acted - is in force in
the Bangalore Dist.

The report under Sec: 25 Rº
have been to the Dist Magte
under Sec: 26, the Magte of
the Dt was to have issued
the proclamation & he appears
to have passed the final
order under Sec: 27. In his
letter No 1187, the Dt Magte
states that the Taluk Asst.
took possn of the Temple, & issued

the proclamation

It is not stated whether the Govt. wishes to encourage the secular Edn or the religious Edn of the Mahomedans or if the former much Govt have already done, & are still doing more in this direction for all classes.

—

Section AS

File No 53 - 94

Serial No 4

Read letter No: 1106 of the 15 Mar: 1895 from the Dep^t Commissioner of Bangalore soliciting sanction of Gov^t to utilize the property left by Sullanama for the Encouragement of the Education of Mahomedans & Subsequent Correspondence.

Order thereon. No 18488 / 1142 Dated 22/4/95

Gov^t observe that One Sullanama a convert to Islam died on the 6 Nov: 1893 intestate & without heirs, leaving property (moveable and immoveable) of the value of over 5000 Rs. The police of the Town of Bangalore acting under the provisions of Sec: 25 of Act V of 1861 took charge of the property and made a report to the Magte, who after the necessary Enquiry issued a proclamation inviting claimants. None however appeared and lays claim to the property, viz: under Sec: 27 of the said Act became liable subject to the orders of Gov^t. The Dep^t Com^r to be disposed of by Gov^t does not report whether pro-

claimation was issued and
when the period of 6 months
allowed by ~~the~~ law for claimant
to appear & forward their claims
expired, but it is presumed that the prescribed intimations have
duly complied.
it was complied in 1894.

2 In the letter read above,
the Dep^t Com^r recommends
~~improving~~ improving
that in view of the present
Educational
backward condition of the
Muhamedans of Bangalore — sale proceeds
the property left by Sultanama may be deposited in the Govt Treasury
~~may be devoted for the higher~~ with a suitable endorsement, to the interest
~~Education of the Musalmans by~~ thereon utilized for the
~~being deposited with Govt Treasury~~, immediate of the higher
~~as if it were a private charitable~~ education of the Musalman
~~Endowment & the interest~~ community.
~~allowed thereon used for the~~
~~purpose above mentioned above~~.

3 The Govt cannot create
a Trust of the kind proposed,
and the proposal of the Dep^t
Com^r appears objectionable also
for ~~many~~ other reasons. If
the money is escheated to Govt
under the rules in force, it must
be simply credited to Govt.

By order
WM

22-4-95.

R. 20/4 Civil Secy To The Dep^t Com^r of Bangalore

(General Serial No. 30.)

Section C 18

File No 5-3-94 1895

Serial No 5 From The Dy Commissioner.

To Bangalore District

The ~~Chief~~ Secretary to the Govt.
~~Dewan~~ of Mysore.

Genl & Rev Departments.

Dated 26th } March 1896.
Despatched 27th }

Received — " — @ 5-30 P.M.

Enclosures No. Records. (2 files)

General No.

No. 949

In reply to Govt. Pro: No. 18488 J1143 2
dated 22nd April 1895.

Reports that Mastan Saib and Beram Saib of Bangalore have obtained an heirship Certificate to be put in possession of the property left by the deceased Sultanamma who died intestate in 1893 and requests instructions in the matter.

References to the marked.

J. 27.3.96

Submitted with references.

Dy C. 31-3-96

The certificate does not seem to establish the present claim. An independent enquiry seems necessary. This is not a debt which could be recovered on the application of the certificate. If the applicants are not the legal heirs of the deceased Govt succeed to the property. The certificate would seem to have only suspicions.

Called for

15/6/96

Vide my note in the matter below the Memo

BR

16/6/96

M. G. C. P.—31-1-94.—3000.

OFFICE OF THE 8048 967 MAR 1896 DEWAN OF MYSORE

D. No. 949.

En: Records (2 files)

(5)

Deputy Commissioner's
Office
Bampalone District
Camp Hossanghatta

Dated 26th march 1896.
27th —

To The Secretary to the Govern-
-ment of Mysore Revenue
and General Department.

Sir,

With reference to Govern-
-ment Proceedings No. 18488 / J1143 dated
22nd April 1895. I have the honour
to state that 2 individuals Mas-
-tan Sab and Buran Sab of Bampa-
-lone have obtained succession-
-ship certificate from the Dis-
-trict Court Mandibroog Division
and have applied to me to be
put in possession of the prop-
-erty left by the deceased Sal-
-tanamma who died intestate
in 1893.

2. The property in question

as described in this Office no: 1106 dated 15th march 1895 is still held in deposit.

3. On 27.11.93 the petitioners with the exception of Borai Sab applied to the Dy Commissioner for permission to Establish their claims for the deceased property before a proper tribunal: On 22nd December 1893 an istihar was issued inviting claimants, if any, for the property within 6 months and that period Expired on 6th June 1893 within which time the applicants failed to prove their title The property was treated by the late Mr Shujat Ali Khan as having Escheated to Government under Section XXVII of the Police Act.

4. On behalf of the holders Mr Mahomed Ahmad, Advocate, Contends that the certificate

immediately after Sultanamma's death the petitioners intimated to the District magistrate that they would prove their title to the property before a competent court, and although the certificate was not produced until the 12th instant, the matter was hitherto pendente lite and the delay was not due to laches on the part of the claimants

5. However the late District magistrate treated the property as Escheat I have the honour to request instructions as to whether the property should be made over to the claimants according to the award of the judicial tribunal or credited to Government as per my Superior Ali's dictum.

6. The records of the case

are forwarded as per Invoice,
to be returned when done
with.

I have the honorable
Sir
Your most obedient Servant.

W. Cunningham
D. Commissioner

(7)

To,

Section
File No 453 Bangalore
Serial No 6

The Asst to judge,

Dated 22-4-96

No 11949
g 1336

The undersigned has the honor to request that record the Asst judge will kindly forward the records on the file of this Court in connection with the grant of an heirship certificate to the individuals mentioned in respect of the estate of late [illegible]

Misc. Rtns Nos 249, 343 & 346 of 1893-94 & the proceedings connected therewith.

Sulochanamma of
Bangalore, who
died intestate in
1893, as the same
is required for reference.

BO

JP.
Secretary.

Draft submitted for
approval.

18/4/96

(General Serial No. 30.)

8

OFFICE OF THE
DEWAN OF MYSORE
7 - MAY 1896

No. 9019.
1414

Section C.S.
File No 53-94
Serial No 7

From The District Judge
Nandidrug Division

To The Secretary to the
Government of Mysore

Dated 2nd May 1896

Despatched

Received 7-5-96

Enclosures—Number one Record

General No. 2134
No. 392

The Secretary's docket
11949/1336 dated the 22nd April 18

I have the honor to subm
herewith the marginally note
records as requested in the
above.

By order

Sheristedar
District Court
Nandy: Divisi

Records in this petition nos 249, 343 and 346 of 1893-94 on the file of the District Judge, Nandidrug Division.

Returned No. 5795 dt 3-11-97

Jud 9.5.96

Submd with reference 2nd 4-5-96

Central Jail Press, Bangalore.—21-5-9[illegible] 92.

Gen. 31

(10)

1895 - 96 : J 1560

OFFICE
20576
EWAN OBSY.

13360224-26

From The Dy Commissioner
Bangalore District

To The Secretary to the Govt.
of Mysore
Rev & Genl Departments

Section CA8
File No 53-94
Serial No 8

Dated 6th June 1896.
Despatched 9th " "
Received 11th " "

Genral No.
D No. 1190.

Enclosure No.

This office No. 949 dated
26th March 1896.

Soliciting early orders
in regard to the disposal
of the property left by the
late Sultanamma of
Bangalore.

J 11/6/96
The file relating
to this was submitted
to Under Secty on 11-6-96.
with Office note
Vide 12-6-96
Secd. Observation
in Continuation.
18/6

D. No. 1190.

Office of the District Magte
Bangalore.
Camp Hosakote dated 6th June 1896.

(10)

To
The Secretary
to the Government of Mysore
Revenue & General Depts

Sir,

I have the honor to invite reference to this office no: 949 dated 26th March 1896 regarding the disposal of the property left by the late Sultanamma of Bangalore, and to request early orders thereon.

2. The Amildar apprehends that some documents which also form part of the property held in deposit might become time-expired if early steps be not taken regarding them.

I have the honor to be
Sir
Your most Obedient servant
M. Narasimmiengar
District Magistrate

(11)

J₀

Section C/Sha Govt
File No 53-94
Serial No 9

Advocate in Mysore.

No: 13701 / 1563 one 3 files of records

Date: 26-6-96.

In forwarding herewith in original ~~Copy of letter No: 949 dated 26th March 1896~~ from the ~~Dy~~ Comr. Bangalore relating to the ~~grant of~~ claim preferred ~~heirship certificate~~ to a file of papers one Mastan Sab & Basran Sab of Bangalore ~~in respect~~ of the property left by one Sultanamma who died intestate in 1893, the undersigned has the honor to request ~~that~~ the

Legal advocate
he will be so good as
to give his opinion as
to the legality or otherwise
of the claim ~~preferred~~.

The entire records are
forwarded for reference
& return.

By order.

19/6/96

Secretary

hft.

h0612

(General Serial No. 30.)

Section C.S. 189

File No 5 From

Serial No 6.

OFFICE OF THE DEWAN OF MYSORE
1736
4 - AUG. 1896
179

(12)

Subd B 1407.

The Government Advocate in Mysore

To

The ~~Chief~~ Secretary to the ~~Dewan~~ Government of Mysore.

Dated 30th July 1896

Despatched

Received 4th Aug 96.

Enclosures No. 3 Files.

General No. 19

No.

Submitting opinion in the matter of claim preferred by one Mustan Sab & Beeran Sab for the property left by the deceased Sultanamma.

I submit that Mr. ~~is much favourable~~ Govt Advocate's opinion may be followed, & the claimants referred to the Civil Court of

7-8-96

Put up with the file?

Put up Sat.?

All the parties interested have effected a compromise the sole proceeds of the whole property in question with Govt. If the amount in deposit in Govt Treasury be paid to Govt under the decree must be appl Govt. If this is the case Govt under the claimants may be told to bring a regular suit in the Civil Court & then to apply for sanction of Govt for withdrawal of suit.

Put up draft ord. in case.

Just Submitted with G.O. 96 references.

7/8

5-8-96

7/8

No 19

Encl no 3 Files

Office of the Government Advocate

Bangalore 30th July 1896.

(12)

From

The Government Advocate

in Mysore

To

The Secretary to the

Government of Mysore.

Sir,

With reference to your letter No. 13701/J1563, dated 20th Ultimo, I have the honor to State that Certificate of heirship confers title only to collect debts but does not confer a title to the property of the deceased.

2. The Claimants not having established their title in the Certificate Case but having entered into a Compromise with persons who opposed them in the Certificate Case,

have not even established a prima facie case for title.

3. No Claimant having establish:ed his title within the prescribed time the property escheated to the Government.

4. The Claimants have not established their relationship to the deceased nor their rights to inherit the property of the deceased and as such they are not in my opinion entitled to the property claimed.

The files of papers are herewith returned.

I have the honor to be
Sir,
Your most obedient Servant.

Government Advocate

No 6110

Read: (13)

No: 2594 b/g 275 dy 20-8-96.

See 2 files

Section Claims
File No 5-3
Serial No 11

Letter No 949 y the 26 March 1896 from the Deputy Commr y the Bangalore Dt, reporting that one Masthan Saheb Beeram Saheb y Bangalore have obtained a certificate, authorising them to collect the debts due to the estate y one Sultanamma, a Convert to Islamism, who died intestate in 1893, and leaving behind her property, both moveable and immoveable, of the aggregate value y Rs 5000, and which in the absence of heirs, was taken possession of by the Govt as Escheated to Govt.

2. Letter No 19 y the 30 May 1896 from the Govt Advocate, forwarding opinion on the claim preferred by the said Masthan Saheb & Beeram Saheb, with a request that a reference to the records of the case shews that neither y the claimants has established

his relationship to the de-
ceased or his right to
inherit her property, and
that a certificate of heirship under Act 27/60,
confers title only to collect
debts, but does not confer
a title to the property of the
deceased person.

Order

The Govt observe
that there has been no
regular enquiry or adjudication as to the rights of
the parties before disposing
of the application for the heirship
certificate, and Government are,
therefore, not in a position to
ascertain who has, prima
facie, the clearest title to
succession as the heir of the
deceased Sultanamma.
The Deputy Commr will
be requested to inform the

Certificate holders that Govt,
as at present advised, are
unable to recognise them as
heirs entitled to succeed to
the estate of the late Sal:
:tanamma until they
establish their right by a
regular suit. A copy of the
Govt Advocate's opinion
will also be furnished to
them ~~claimants for their~~
information.

2. The Deputy Comr
will in Communication
with the Comptroller invest
either in the Mysore Govt
Savings Bank or in Govt
of India Securities, the sale
proceeds of the estate al
:ready realized, and
all rents and profits from
time to time received on
account of the said Estate

and hold the investments in his name subject to the further orders of Govt.

Q

Sy

The Deputy Comm[r]

" Bangalore Dist
with Copy of Govt Advs letter +
" Comptroller. returning the papers rec'd with his letter.

" Govt Advocate

Sealed & sent C.P.O
17-8-96

17/8/96.

Speed C.
18-8-96

Sealed
Sent
20/8

J 588

Gen. 31.] (14)

OFFICE OF THE DEWAN OF MYSORE
1896 4057
12 NOV 1896

Section A From The Dy Commissioner
File No 53-96 Bangalore District
Serial No 12

To The Secretary to the Govt.
of Mysore
Genl & Rev. Departments.

Dated 7th
Despatched 11th } November 1896
Received 12 — " —

General No.
D No. 460

Enclosure No.

In reply to Govt. Pro:
No. 2594-96 d/20th August-/96
J 275

Reports that among the effects of Sultan Ammina were some documents which were sold but the sale was not confirmed & being unsatisfactory.

Submitted with my
Srl 14/11/96

Just
12.11.96

Dy Commissioner's Office.
Bangalore District.

D. No. 460

Dated 7th November 1896.

11/2

(14)

To

The Secretary to the Government
of Mysore.
Genl & Rev: Departments.

Sir,

With reference to Government Proceedings No. 2594-96 / D. 275 dated 20th August last, I have the honor to report that among the effects of the late Sultanamma were some documents, which, in accordance with the order above were sold on 2nd November 1896 by the Bangalore Taluk Amildar, but as the amounts fetched at the sales were unsatisfactory as exhibited in the margin, I have not confirmed the sales, excepting that of No. 1, which was confirmed as the deed becomes time barred after the 8th Instant.

Please see para 2.

(1) Name of executant of the bond	(2) Amount of bond	(3) Date on which bond becomes time barred	Amount fetched at the sale
1. Abdul Khader and another	50 Rs.	8th November 96.	Rs. 12-
2. Gangamma and 2 others	50 Rs.	17th May 97.	Rs. 6.
3. Nanjamma and another	50 Rs.	19th July 97.	Rs. 6.
4. Gullar and 2 others.	200 Rs.	24th June 1900	Rs. 33.

I have the honor to be
Sir,
Your Most Obedient Servant.

for Dy Commissioner.

(15)

From

The ~~General~~ Secretary to the Government of Mysore.

Section C6
File No 53-94
Serial No 13

To The Deputy Commr
Bangalore &c

Dated 18-11-96.
Despatched
Received

General No. 5714
No. 671

Enclosure No.

His letter No 460 of 7th inst. reporting for information that, except one bond for Rs 50/- which was nearly time-barred, the sales of 3 other documents belonging to the late Sultanamma were not confirmed, the price offered ~~fetched~~ before them being unsatisfactory.

With reference to the above has the honor to enquire ~~be informed~~ what action he intends taking ~~is~~

to

(16)

Gen. 31]

1896-97.

Section
File No 5-8-94
Serial No 14

OFFICE OF THE 4370 1632

From The District Magistrate. Bangalore.

To The Secretary to the Govt. of Mysore. Genl. and Rev. Departments.

Dated 20th November 1896.

Despatched —— Do ——

Received 23 —— . ——

General No.

9 No. 5-11

Enclosure No.

With reference to the Secretary's docket-No: 5711 of 9.671 of the 18th Instant, the undersigned has the honor to state that the 3 documents referred to have been ordered to be resold.

M Narasimmayya
District Magistrate.

Rd

Rd 25/11/96

Rd 11.96

Submitted with references

(17)

No: 6414 / 736 dt 3-12-96.

Read

Docket No 511 of 25-11-96 from the District Magte. Bangalore, stating that the 3 documents be. belonging to the late Sulta-nanma, the sales of which were, as reported in his letter No 460 of 7-11-96. not confirmed, ~~were~~ have been ordered to be resold.

Section	CAB
File No	53-24
Serial No	16

Order.

Recorded. The result of the sale shoud be reported.

20/11/96.

for Secy

To

The Dt. Magistrate

Bangalore

Gen. 30.]

189 (18)

From

The ~~Chief~~ Secretary to the
Dewan of Mysore.

To The Hon'ble Dr Commissioner
Bangalore &c

Section CAS
File No 53-94
Serial No 10 Dated 15-12-96
Despatched
Received

Enclosure No.
General No. 6925
No. 786

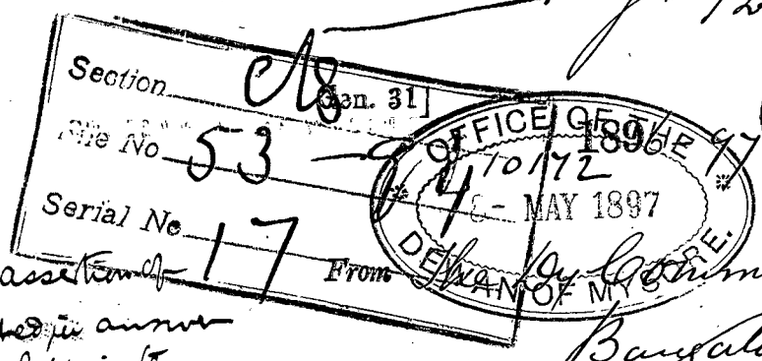
In continuation of this office No 6414/1736 of 3.12.96 has the honor to request that in submitting a report of the sale of the ~~deeds~~ documents belonging to the late Sultanamma, the Dr Commissioner will also intimate to Govt the total sale proceeds invested as per Government order No 2594/1275 of 20-8-96.

I.O.

for Secretary.

J. 1283

56



19

Subd to Secr.

A merely verbal assertion of discharge cannot be accepted in answer to a written document left in the possession of the creditor. Mesdr Cumm may be asked to sue on all 3 documents ~~as to the further evidence~~ one of them will become barred on 19 July. 6/11/97.

Ask the Dy Comr whether he has made any enquiries & can report himself the question of the execution of the deeds of Bonds 1 & 2 is true & if not let him do so now & report the result ~~of~~, as early as practicable.

R&I for Dy
6.11.97
Dy/ 7/11/97

27/5
28/5/97

From The Deputy Commissioner
Bangalore District.

To The Secretary to the Govt. of Mysore,
Genl & Rev Departments,
Bangalore

Dated 5th May 1897
Despatched 7th Do
Received on

General No.
D No. 1136

Enclosure No.

In reply to Secy's docket No. 6925 dt 15th December 1896
J. 786

Requesting instructions as to whether any legal action should be taken for the recovery of sums due on account of bonds Nos 2 & 3 belonging to the late Sultanamma and whether offer of the executants of No 1 may be accepted.

Jud
8.5.97
Dy/s

J. F No. 26 of 1895-6 on the subject put up. DR 11/5/97 Subd 11/5/97

D. No. 1136

By Commissioner's Office.
Bangalore District.
Dated 5th / 7th May / Do 1897.

To,

The Secretary to the Government
of Mysore,
Genl. and Rev. Departments,
Bangalore.

Executants. — Amount of Bond

1. Gangamma & 2 others — 50 Rs.
2. Nanjamma and another — 50 Rs.
3. Gulla and 2 others — 200 Rs.

Sir,

With reference to the Secretary's docket No. 6925 (S No. 18) / J. 786 dated 15th December last, I have the honor to state that the documents Nos. 1, 2 and 3 noted in the margin were put up to sale on the 23rd March last by the Bangalore Taluk Amildar but there was no bid for them. Thereupon the executants of the deeds were summoned and examined with the following result.

2. The executants of document No. 1 deposed that they had already paid to Sultanamma Rs 25/- on account of this bond and offered to pay the remainder by 5 equal instalments of Rs 5/- each; the 1st instalment has been paid by them and accepted by the Amildar. As regards document No. 2, it is contended that the debt has already been discharged in full, while the executants of No. 3 are absent from Bangalore.

3. I have accordingly the honor

to request instructions as to whether any legal action should be taken for the recovery of sums due on account of bonds Nos 2 and 3, and whether offer of the escentants of No 1 may be accepted. It must be noted here that documents Nos 2 and 3 will become time-barred on 19th July 1897 and 24th June 1900 respectively.

4. The total amount realized up to date, minus escpenditure is Rs 5797-12-2, out of which Rs 3382-12-2 has been deposited in the Government Savings Bank as a temporary measure, and the remainder is held in deposit.

5. Pursuant to the instructions contained in Government Proceedings No. 2594-96 dated 20th August last, the Comptroller has this day been addressed as to the best mode of investment of the sums specified above.

(S No. 13) J. 27

I have the honor to be,
Sir,
Your most-Obedient Servant,

[illegible]
for Dy Commissioner.

WBL

No: 12830 / J 1462 — 31-6-97.

Read:— (20)

Letter No: 1136 dated 5th May 1897 from the Deputy Commissioner, Bangalore District furnishing in reply to this office docket No: 6925 dated 15th December 1896 certain information with regard to the amounts due from the executants of the 3 documents noted in the Margin belonging to the late Sultanamma. of No:1 deposed that they had already paid to the said Sultanamma half the amount of the bond and that as regards the 2nd it is contended that the amount has been discharged in full while the executants of No 3 are absent from Bangalore; and requesting instructions as to whether any legal action should be taken for the recovery of the sums due on account of bonds Nos 1 & 2 and whether the offer of the executants of No 1 may be accepted.

Section: J (LS) 1896
File No: 5 Miscellaneous
Serial No: 8

J 786

1- Ranganna + 2 others — Rs 50
2. Ranjanna + another — Rs 50
3. Gulla and 2 others — Rs 200.

ord

Order thereon.

The Deputy Commissioner is requested to ~~report~~ state whether he has made any enquiries and satisfied himself that the assertion of the Executants of bonds Nos 1 & 2 is true. If not he is requested to do so now and report the result to Government as early as practicable.

29/5/97
for Secy.

To
The Dy Comr, Bangalore.

Needs to be noted 31/5/97

To be signed today 4/7/97

Read again:- (22)

No: 171/J23 dt 5-7-97.

~~Correspondence ending~~

~~with~~ Pro. No. 12830/J1462 dt 1-6-97 regarding the recovery of the amount due on certain documents belonging to the late Sultanamma of Bangalore

Section 5
File No 5-3-14
Serial No 19

Order thereon:

In continuation of the Proc read above ~~the Govt addressed~~ further the deputy is informed that if the Commr is satisfied that the payments ~~reported by~~ alleged to have been made ~~in his letter No. 1115/J dt 5-5-97~~ are true no steps need be taken to recover the amount of the bond No 2 - if, however, he is not so satisfied, he should take the necessary steps before the 19th July 1897 for the recovery of the amount due thereon ~~before the 19th July 1897~~.

2. As regards ~~the~~ document No 1 of the part

part-payment is proved the time asked for to pay up the balance by instalments may be given, if the Dy Comm: thinks that the debtor has no means of paying it up ~~the balance~~ at once. This, however, is a matter, in which the Dy Commissioner may use his own discretion and pass such orders as he thinks proper, instead of troubling the Govt for instructions.

3. The whereabouts of the executants of document No 3 should be ascertained as early as possible and steps taken to recover the amount due thereunder.

[signature]

To

The Dy Comm: Bangalore Dt.

J 583

OFFICE OF THE
3705
1-11-97 1897-98.
DEWAN OF MYSORE

(23)

From The Dist Judge,
Nandidroog Dr.

To The Secretary to the Govt. of Mysore,
_____ Dept.

Section Ch
File No 53-94
Serial No 20 Dated 29-10-97
Despatched
Received 1-11-97
General No. 1224
No. 168

Enclosure No.

Requests the despatch of certain papers in Connection with Original Suit of '97-98

References to be marked.

J. 7 No. 26 of 1895-96 containing the refee put up.

MB
2-11-97

30/10/97

Summons to produce Public documents.

Section 137, C. P. C. Form No. 65, Civil.

IN THE COURT OF the District judge Nandidroog Division Bangalore

Original Suit No. 2 of 97-98

Shek Davood Saib & others — Plaintiff. S.

vs.

Beram Saib & others — Defendant. S.

No: 1274/168

To The Secretary to the Government of Mysore Revenue and General Departments

whereas it appears to this Court that a perusal of the undermentioned papers, now in your custody, will tend to elucidate the facts of the suit (or appeal) now before this Court, you are hereby requested to cause the said papers to be produced in this Court, or to transmit the said papers to this Court on or before the 16th November 1897.

Record in Miss. No. 249 of 1893-94 forwarded with this office No. 2134/392 dt 2-5-96.

× SNo. 8

By order

dated 29th october 1897.

Appaswamy Naidu
Sheristadar

NANDIDROOG DIVISION COURT SEAL

Central Jail Press, Bangalore.—11-11-93.—2,052.

1897

(24)

From

The ~~General~~ Secretary to the

Government of Mysore.

Section C.S.

File No 53-94

Serial No 24

To

The District Judge

Nundidroog Dn.

Dated. 3rd November

Despatched

Received

General No. 4918

No. 595

Enclosure No. 1 file of records.

His No. 1224/168 dy 29th October 1897.

As requested in the above has the honor to return the records received with his docket No. 2134/392 dy 2nd May 1896.

B. C.

2/11

for Secty